

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AFSHIN BAHRAMPOUR,

Plaintiff,

vs.

CITY OF LAS VEGAS, et al.,

Defendants.

Case No. 2:13-cv-00955-APG-NJK

REPORT & RECOMMENDATION

This matter is before the court on Plaintiff Afshin Bahrampour's failure to comply with the Court's Order (Dkt. #2). Plaintiff filed an incomplete Application to Proceed *In Forma Pauperis* (Dkt. #1) on May 30, 2013. The court could not determine whether Plaintiff qualified to proceed *in forma pauperis*. On June 5, 2013, the Court entered an Order (Dkt. #2) denying Plaintiff's Application without prejudice, directing the Clerk of Court to mail Plaintiff a new application, and allowing Plaintiff to file a completed application or pay the \$400 filing fee on or before July 5, 2013. *See* Order (Dkt. #2). The Court also ordered the Plaintiff to submit a corrected Complaint, on the Court's required form for seeking relief under 42 U.S.C. § 1983. The Court noted that for the Court to consider Plaintiff's Complaint, it must be typewritten or legibly handwritten. *See* LR 10-1.

The Order advised Plaintiff that failure to comply would result in a recommendation to the District Judge for dismissal. On June 5, 2013, the clerk mailed the Order to the Plaintiff at the address listed in the Plaintiff's Complaint. (Dkt. #3). On June 12, 2013, that mail was returned undeliverable. *Id.* On June 17, 2013, the clerk re-mailed the Order to general delivery at Sunrise Station per the address listed on the docket. The Order advised Plaintiff that failure to comply would result in a recommendation to the District Judge for dismissal. Plaintiff has not complied or requested an extension of time in which to comply.

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1 Accordingly,

2 **IT IS RECOMMENDED** that Plaintiff's Application to Proceed In Forma Pauperis be DENIED
3 and this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new action in
4 which he either pays the appropriate filing fee in full or submits a completed application to proceed in
5 forma pauperis.

6 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment accordingly.

7 Dated this 17th day of July, 2013.

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11 **NANCY J. KOPPE**
12 **UNITED STATES MAGISTRATE JUDGE**

13 **NOTICE**

14 These findings and recommendations are submitted to the United States District Judge assigned
15 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being
16 served with these findings and recommendations, any party may file written objections with the court.
17 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
18 recommendations of a magistrate judge shall file and serve *specific written objections* together with
19 points and authorities in support of those objections, within fourteen days of the date of service of the
20 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's
21 Findings and Recommendations." The parties are advised that failure to file objections within the
22 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153
23 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject
24 to the page limitations found in LR 7-4.
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